

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

INQUIRY CONCERNING JUDGE
HOWARD C. BERMAN, JQC NO.
00-211

CASE NO. SC00-2491

MOTION TO COMPEL TESTIMONY OF ANITA WOODS AND TANYA VU

HOWARD C. BERMAN ("Judge Berman") moves for an Order from the Judicial Qualifications Commission requiring the testimony of the witnesses, Anita Woods and Tanya Vu, on the following grounds:

1. Anita Woods and Tanya Vu were both deposed on Wednesday, August 29, 2001. Upon advice of their counsel, both witnesses declined to answer questions relating to conversations with Roxanne Ramos, one of the witnesses in the instant proceeding who contends that Judge Berman acted inappropriately toward her.

2. Anita Woods is a victim/witness coordinator. Her primary duty is to make contact with victims on domestic violence cases and provide the information that she collects to the prosecutor at first appearance to provide to the Court.

3. One of the subjects that Ms. Woods addresses is what the victim wants to see done in Court, what their requests are of the first appearance judge, and generally, what the Court needs to know in order to make a proper release from jail, bond, etc.

4. Ms. Woods refused to answer any questions whatsoever with regard to any conversations that she had in connection with Ms. Ramos. For example:

"Q. Did Ms. Ramos indicate to you, at any time during the conversation that you had with her, that she wanted to recant the charges she made against Mr. Roy?

* * *

Q. A similar question: in your conversations with Mr. Roy, did she – with Ms. Ramos, did she indicate that the statements that she had made about Mr. Roy’s treatment of her were untrue?”

5. Ms. Woods was instructed not to answer these questions on the basis of work product privilege.

6. The work product privilege is inapplicable because the questions did not have anything to do with the prosecution of charges against Mr. Roy but, rather, were exactly the opposite. The questions had to do with Ms. Ramos’ reversal of positions with regard to statements that she had previously made under oath. This area is relevant and reasonably calculated to lead to the discovery of admissible evidence with regard to the credibility of Ms. Ramos.

7. Tanya Vu is an Assistant State Attorney. She was the prosecutor for a domestic battery misdemeanor involving Frank T. Roy. On the day of trial, she talked with Roxanne Ramos. The nolle prosequere was either based on this conversation or on the letter Ms. Ramos addressed to the Court saying the battery did not take place.

8. The State Attorneys’ Office elected to drop the charges against Frank Roy. Ms. Vu was instructed not to answer any questions with regard to conversations she had with Ms. Ramos in connection with dropping the charges. Again, the grounds were work product privilege.

9. Again, the work product privilege is inapplicable. The questions and answers which Judge Berman’s counsel sought to pursue do not relate to the charges against Mr. Roy, which the State Attorneys’ Office was prosecuting, but relate to any conversations in which Ms. Ramos withdrew those charges, recanted those charges, or changed her

position with regard to positions which she had previously taken under oath. Again, this testimony is relevant to Ms. Ramos' credibility.

WHEREFORE, Judge Berman seeks an order compelling the testimony of Tanya Vu and Anita Woods.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by facsimile and U.S. Mail to the persons on the attached Service List this 6th day of September, 2001.

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Before the Florida Judicial Qualifications Commission
Supreme Court Case No. SC 002491
Inquiry Concerning a Judge, No. 00-211

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